THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION Nos.10464 & 10545 OF 2007

ORAL ORDER:

The petitioners in these two writ petitions claimed that their late father Ramaswamy was the cultivating tenant of Ac.3.87 cents situated in Sy.No.118/A of Kasu Karru village, Ponnur Mandal, Guntur district belonging to the 1st respondent-Institution, and after his death, the petitioners have been continuing as tenants each being in possession of Ac.1.93¼ cents. They have been paying rents in their individual capacity to the respective extents in their possession. Accordingly, they made individual claims to declare them as landless poor persons within the meaning of the Explanation to Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (Act 30 of 1987). The Assistant Commissioner of Endowments, Guntur, after conducting enquiry, by separate orders dated 22.3.2005 rejected their claim holding that there is no provision in the Statutory Rules issued in G.O.Ms.No.379 dated 11.3.2003 to declare both of them as landless poor jointly. Against the said orders, the petitioners preferred Appeals before the Regional Joint Commissioner, Endowments Department, Guntur Zone. The said Appeals being A.T.A.Nos.4 & 5 of 2005 were dismissed confirming the finding recorded by the Assistant Commissioner of Endowments. Hence, these two writ petitions.

I have heard the learned counsel for the petitioners and the learned Government Pleader for Endowments appearing for respondents 2 and 3.

Admittedly, the total extent of land in possession of the petitioners is Ac.3.87 cents of wet-land. A finding of fact has been recorded by both the respondents 2 and 3 that the petitioners are jointly in possession and, therefore, it has to be treated as a single unit. Since it exceeds Ac.2.50 cents, it was rightly held by respondents 2 and 3 that they cannot be declared as landless poor as defined in

Explanation to sub-section (2) of Section 82 of the Act. I do not find any justifiable reason to interference with the concurrent finding of fact recorded by the respondents 2 and 3 and the order under challenge warrants no interference by this Court under Article 226 of the Constitution of India.

Accordingly, both the writ petitions are dismissed. No costs.

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(G. ROHINI, J.)

5th July, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10464 & 10545 OF 2007

5th July, 2007.

Writ Petition No.10464 of 2007:

Between:

Prasadam Gopalakrishna Murthy. .. Petitioner.

And

Avvaru Burraiah Dharma Satram, Ponnur,
Represented by Person in Management,
Ponnur Mandal, Guntur District and others. .. Respondents.

Writ Petition No.10545 of 2007:

Between:

Prasadam Gajapathi Rao. .. Petitioner.

And

Avvaru Burraiah Dharma Satram, Ponnur,
Represented by Person in Management,
Ponnur Mandal, Guntur District and others. .. Respondents.